

# Published by Authority **EXTRAORDINARY ISSUE**

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PART—IA--Orders and Notifications by the Government of India, Statutory Notifications of the Election Commission of India and other Election Notifications published for General Information, orders and Notifications which have originally been published in the "Gazette of India" are only re-published.

## GOVERNMENT OF TRIPURA HOME DEPARTMENT.

No.F. 13(54)-PD/21/3274

Dated, Agartala, the 10th November, 2021.

#### **NOTIFICATION**

Whereas, the Hon'ble High Court of Tripura by judgment & order dated 04.06.2021 in Crl. Ref. 1/2020(Court on its Own Motion -Vs- The Union of India) has *inter-alia* observed that sub-clause (viiia) of section 2 of the NDPS Act, 1985 was amended, re-lettered and relocated at the clause (viiib) of section 2 of the said Act by the Narcotic Drugs & Psychotropic Substances (Amendment) Act, 2014 which came into effect from 01.03.2014

#### AND

Whereas, the Hon'ble High Court of Tripura by aforesaid judgment & order dated 04.06.2021 has observed that having regard to the re-lettering and emergence of the clause (viiib) in section 2 of the said Act, no amendment has been carried out in Section -27A of the NDPS Act, 1985

#### AND

Whereas, the Hon'ble High Court of Tripura by the aforesaid judgment & order dated 04.06.2021 has directed the Ministry of Home Affairs, Government of India to take appropriate steps for amendment of Section – 27A of the NDPS Act, 1985 by substituting 'sub-clauses (i) to (v) of clause (viiia) of section 2' with 'sub-clauses (i) to (v) of clause (viiib) of section 2'

#### AND

Whereas, the Hon'ble High Court of Tripura in the aforesaid judgment & order dated 04.06.2021 has also directed that both the Central Government and the State Government shall publish a notification bringing about the content of this order in short for the public notice so that the requirement of Article -20 of the Constitution of India is not diminished.

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Now, therefore, in compliance to the aforesaid judgment & order dated 04.06.2021 in Crl. Ref. 1/2020, it is hereby informed that until appropriate legislative changes are made, in Section-27A of the NDPS Act, 1985, the content 'sub-clauses (i) to (v) of clause (viiia) of section 2' in Section – 27A of the NDPS Act, 1985 will be read as 'sub-clauses (i) to (v) of clause (viiib) of section 2'.

(S. Chaudhuri)
Secretary to the
Government of Tripura

To
The Director General of Police, Tripura for kind information and necessary action.

# MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 30th September, 2021 / Asvina 8, 1943 (Saka)

# THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 2021

No. 8 of 2021

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

Whereas the Narcotic Drugs and Psychotropic Substances Act, 1985 was amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 which, inter alia, introduced a new clause (viiia) in section 2 and renumbered existing clause (viiia) relating to definition of "illicit traffic" as clause (viiib) thereof, but due to oversight the reference of the said clause could not be corrected in section 27A of the said Act, which provides for punishment for financing "illicit traffic" and harbouring offenders;

And Whereas the amendment does not create any new offence but contains a legislative declaration that reference of clause (viiia) always meant the corresponding

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renumbered provision in clause (viiib) and the amendment seeks to rectify this anomaly by making changes in section 27 of the said Act in order to carry out the legislative intent of the statute, which has always been to read clause (viiib) in section 27, and already stood therein;

AND WHEREAS the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 came into force on the 1st day of May, 2014;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers confirmed by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

Short title and commencement.

- **1.** (1) This Ordinance may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021.
  - (2) It shall be deemed to have come into force on the 1st day of May, 2014.

Amendment of section 27A of Act 61 of 1985. 2. In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, for the words, brackets, letters and figure "clause (viiia) of section 2", the words, brackets, letters and figure "clause (viiib) of section 2" shall be substituted.

RAM NATH KOVIND, President.

ANOOP KUMAR MENDIRATTA, Secretary to the Govt. of India.